

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEVAR DARNELL SHANNON,

Petitioner,

v.

CIVIL CASE NO. 05-CV-73311-DT
HONORABLE DENISE PAGE HOOD

MARY BERGHUIS,¹

Respondent.

ORDER OF DISMISSAL

Petitioner Levar Darnell Shannon has filed a *pro se* habeas petition under 28 U.S.C. § 2254. The habeas petition challenges Petitioner's state convictions for assault with intent to murder, first-degree home invasion, and felony firearm. The same convictions are the subject of another habeas petition filed by Petitioner. *See Shannon v. Berghuis*, Civil Case No. 05-CV-40269-FL (E.D. Mich. Aug. 25, 2005).

“[G]enerally, a suit is duplicative if the claims, parties, and available relief do not significantly differ between the two actions.” *Serlin v. Arthur Andersen & Co.*, 3 F.3d 221, 223 (7th Cir. 1993) (internal quotation marks and citations omitted). A district court, as part of its general power to administer its docket, “may stay or dismiss a case that is duplicative of another federal court suit.” *Curtis v. Citibank, N.A.*, 226 F.3d 133, 138 (2d Cir. 2000).

Piedra v. Aguirre, 125 Fed. Appx. 968, 969 (10th Cir. 2005).

¹ Although Petitioner spelled Respondent's surname as “Burghuis,” on his habeas petition and “Bughuis” on his supporting brief, the Court believes the correct spelling is “Berghuis.”

Petitioner's arguments, the parties, and the available relief in Petitioner's two habeas cases are the same. It appears that, due to either a clerical error by the Clerk of Court or a mistake on the part of Petitioner, the habeas petition in this case was filed one day after an identical habeas petition was filed in case number 05-CV-40269-FL. Accordingly, this case is DISMISSED without prejudice as duplicative of case number 05-CV-40269-FL.

/s/ Denise Page Hood
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

Dated: October 27, 2005

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: October 27, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 27, 2005, by electronic and/or ordinary mail.

s/William F. Lewis
Case Manager